



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,710	04/02/2004	Yoshinari Higuchi	450100-05014	1185

7590 09/01/2009
William S. Frommer, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

09/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,710	Applicant(s) HIGUCHI ET AL.	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 05/27/2009 have been fully considered but they are not persuasive.

In re pages 9-10, applicant argues that Watanabe discloses the processing means detects the state of the mechanical desk and a command for start, stop, change in direction, reproducing and muting commands but fails to disclose when an application needed fro a recording operation obtained by controlling the recording device is executed as a function of a command issued by the imaging device, only a command for a termination of the application is allowed and every other command is disabled, as recited in claim 1.

In response, the examiner respectfully disagrees. Watanabe discloses from fig. 3, 6, col. 8 lines 60-col. 9 lines 12 that "...when the remote-control signal receiving part 12 receives a pause cancel instruction from the remote control signal.....system control part.....releases the recording action from the paused state in response to the pause cancel instruction ...to resume the recording action....."; col. 11 lines 27-34 that "...the remote-control codes of the pause instruction and the pause cancel instruction for use of themsome other instruction such as fast feeding, rewinding, etc.....", a remote control for controlling power supply, pause state for stop recording, fast feeding, rewinding, start recording button/stop recording, etc. Remote control allows the recording device to execute an application needed for recording and any type of command issue from the remote control, only that command is allow and other

Art Unit: 2621

command is disabled. For example, if recording button is depressed, only recording button will be working and other button will be disabled; if pause button is depressed during recording, only that will stop recording; if power supply button is depressed for turning off, only that button will allow to work, other button will be disabled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,953,481 by Watanabe et al.
2. Regarding **claim 1**, an imaging device configured to output imaging data that is obtained by imaging of an object, the imaging device comprising:
 - Imaging means for imaging data (fig. 2 (31));
 - communication means for communicating the imaging data (fig. 3, 6 (111j));
 - control means for recognizing a controlled state of an external recording device when a communication is enabled with the recording device through the communication means conforming to a predetermined transmission method (fig. 3 (2, 13), fig. 6 (115));

Art Unit: 2621

- and input means operable to instruct the recording device to execute an application needed for a recording operation obtained by controlling the recording device (fig. 3 (3, 12), fig. 6 (111, 119)), wherein
- wherein, when the application is executed as a function of a command issued by the imaging device, only a command for a termination of the application is allowed and every other command is disabled (fig. 3, 6, col. 8 lines 60-col. 9 lines 12, col. 11 lines 27-34, col. 12 lines 33-59, a remote control for controlling power supply, pause state for stop recording, fast feeding, rewinding, start recording button/stop recording, etc. Remote control allows the recording device to execute an application needed for recording and any type of command issue from the remote control, only that command is allow and other command is disabled. For example, if recording button is depressed, only recording button will be working and other button will be disabled; if power supply button is depressed for turning off, only that button will allow to work, other button will be disabled), and
- the recording device records the imaging data that has been obtained through the communication means based on the application executed by means of the input means (fig. 3 (11), 6 (120), col. 8 lines 60-col. 9 lines 12).

Art Unit: 2621

3. Regarding **claim 2**, the imaging device further comprising display means for displaying the progress of an application needed for a recording operation obtained by controlling the recording device (fig. 5 (7), 7, col. 13 lines 13-60).

4. Regarding **claim 3**, the imaging device wherein, when communications are enabled with a plurality of the recording devices through the communication means connected respectively to the recording devices, the control means selects the specific recording device as a communication target on the basis of unique node IDs assigned respectively to the communication means, and refuses to communicate with the other recording devices than the selected recording device (fig. 3 (1, 11), 6 (117, 120), col. 7 lines 66-67, col. 8 lines 60-col. 9 lines 12, col. 12 lines 5-6, 10-18).

5. **Claim 4** is rejected for the same reason as discussed in the corresponding claim 1 above.

6. **Claim 5** is rejected for the same reason as discussed in the corresponding claim 2 above.

7. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 3 above.

8. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 3 above.

9. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 1 above.

Art Unit: 2621

10. Regarding **claim 9**, the imaging device wherein the communication means is connected outside of the imaging device (fig. 2 (212)).

11. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 9 above.

12. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 9 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
08/28/2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621